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*Attorneys for Plaintiff*

Plaintiff Jabbar K. Ervin brings this Complaint against Defendants W&A Distribution Services, Inc. and Virginia M. Gordon for personal injuries suffered as a result of a parking lot

collision between semi-trucks that occurred in Williams County, Ohio on or about August 15, 2017. In support of his claims, Plaintiff states as follows:

**PARTIES**

1. Plaintiff Jabbar K. Ervin is an individual and a resident of the State of California.
2. Defendant W&A Distribution Services, Inc. is an entity that provides freight transportation services nationwide as a contract carrier, which upon information and belief is a Wisconsin corporation with its principal place of business in Fort Atkinson, Wisconsin, and which at all relevant times owned the vehicle driven by Defendant Virginia M. Gordon.
3. Defendant Virginia M. Gordon is an individual who upon information and belief is a resident of the State of Wisconsin, and who at all relevant times was driving a truck for Defendant W&A Distribution Services, Inc. in the course and scope of her employment and/or agency for that company.

**JURISDICTION AND VENUE**

4. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
5. This Court has original jurisdiction over this matter under 28 U.S.C. § 1332 because Plaintiff's citizenship is diverse from that of each Defendant, and because the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).
6. Venue is proper in this Court under 28 U.S.C. § 1391(b) because the collision described herein occurred in Williams County, Ohio, which is located in this judicial district.

**FACTUAL ALLEGATIONS**

7. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

8. At all relevant times, Defendant W&A Distribution Services, Inc. owned a 2015 Kenworth Motor Truck T600, vehicle identification number 1XKYAP9XXFJ446365, USDOT number 427949.
9. At all relevant times, Defendant Virginia M. Gordon was acting in the course and scope of her employment or agency with Defendant W&A Distribution Services, Inc.
10. On August 15, 2017, Plaintiff Jabbar K. Ervin was in a truck parked at a rest stop in Williams County, Ohio. It was between 3:00 a.m. and 4:00 a.m., and Mr. Ervin was in the sleeper with his parking lights on as a safety precaution.
11. At the same time, Defendant Virginia M. Gordon was operating the truck described herein that was owned by Defendant W&A Distribution Services, Inc. In attempting to make a U-turn to leave the lot, Defendant Gordon struck the semi-truck Plaintiff Jabbar K. Ervin was in, causing damage to it.
12. Plaintiff Jabbar K. Ervin fell from the bed in the sleeper as a result of the impact from the semi-truck driven by Defendant Gordon and landed on his left side. Due to worsening pain, while headed back west Plaintiff sought medical treatment in an Illinois emergency room, where he treated for injuries that included back pain and shoulder pain.

**FIRST CAUSE OF ACTION**  
***(Negligence – Defendant Virginia M. Gordon)***

13. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
14. Defendant Virginia M. Gordon had a duty to exercise ordinary care and caution for the safety and welfare of other motorists, including a duty not to operate a vehicle in such a manner that may cause harm to Jabbar K. Ervin.

15. Defendant Virginia M. Gordon breached that duty by failing to ensure there was safe distance for her U-turn, making an improper U-turn, and striking the vehicle in which Mr. Ervin was parked.
16. As a direct and proximate result of Defendant Virginia M. Gordon's negligence, Plaintiff Jabbar K. Ervin sustained serious and permanent personal injuries, including but not limited to injuries to his neck, left shoulder, left side, left hip, and lower back. These injuries required medical and hospital care and caused Mr. Ervin to incur substantial medical and hospital care costs, along with pain and suffering, lost wages, mental anguish, and emotional distress.
17. Further, Plaintiff Jabbar K. Ervin believes some or all of these injuries are permanent in nature and will require future medical care and future medical care costs, and that he will continue to endure great pain, suffering, mental anguish, and emotional distress.

**SECOND CAUSE OF ACTION**

***(Vicarious Liability – Defendant W&A Distribution Services, Inc.)***

18. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
19. Defendant Virginia M. Gordon was an employee, statutory employee, agent, servant, or independent contractor for Defendant W&A Distribution Services, Inc. at all relevant times.
20. At all relevant times, Defendant Virginia M. Gordon was acting in the course and scope of her employment and/or agency with Defendant W&A Distribution Services, Inc.
21. Under the doctrines of respondeat superior, principal agency, agency by estoppel, and/or vicarious liability, Defendant W&A Distribution Services, Inc. is liable for the negligent acts of its employees and/or agents, including but not limited to the negligent acts of

Virginia M. Gordon, set forth herein, which caused the damages to Plaintiff that are set forth herein.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that judgment be entered against the Defendants on each of the above-stated claims, with the following damages to be awarded:

- A. General damages in an amount within the Court's jurisdiction that will conform to proof at the time of trial;
- B. Special damages in an amount within this Court's jurisdiction that will conform to proof at the time of trial;
- C. Loss of earnings according to proof at the time of trial;
- D. Medical expenses, past and future, according to proof at the time of trial;
- E. Past and future mental and emotional distress, according to proof at the time of trial;
- F. Attorney fees;
- G. Cost of suit incurred herein;
- H. Pre-judgment interest as provided by law; and
- I. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Michael A. Bruno  
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Attorney for Plaintiff

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues triable by right.

/s/ Michael A. Bruno  
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Michael A. Bruno  
Attorney for Plaintiff